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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,831	08/20/2003	Spencer B. Dick	PAI 309A	7652

23581 7590 11/16/2004

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EXAMINER

CHAU, MINH H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,831

Applicant(s)

DICK ET AL.

Examiner

Minh H Chau

Art Unit

2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓
Paper No(s)/Mail Date 1/29/04 & 6/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 15** is rejected under 35 U.S.C. 102(e) as being anticipated by Gaesser et al. (Pub. No. US 2004/0027038A1).

With respect to claim 15, Gaesser et al. teach an apparatus for controlling material processing comprising a saw machine including a saw (104) and a pushing mechanism (102) configured to automatically push material (116) toward the saw, a computer (118) connected to the saw machine, the computer being programmed to control optimized cutting of stock to satisfy a cut list, and a printer (120) connected to the computer and positioned near an out-feed on the saw machine, the computer being programmed to print labels automatically for pieces conforming to the cut list (see Figs. 1, 5 and paragraph [0030-0032] of Gaesser et al.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Harnden (US # 5,365,812) in view of Gaesser et al. (Pub. No. US 2004/0027038A1).

With respect to claim 15, Harnden teaches an apparatus for controlling material processing comprising a saw machine including a saw (42) and a pushing mechanism (26) configured to automatically push material (20) toward the saw, a computer (Fig. 3) connected to the saw machine, the computer being programmed to control optimized cutting of stock to satisfy a cut list (col. 7, lines 5-20), and a printer (110) connected to the computer and positioned near an out-feed on the saw machine, the computer being programmed to print information automatically for pieces conforming to the cut list (see Figs. 1-6 and cols. 5-7 of Harnden).

Harnden teaches all the limitation as explained above, except for printing information on labels.

Gaesser et al. teach an apparatus for processing a workpiece including a printer (120) for printing information related to the cut workpiece on a label (see paragraph [0032] of Gaesser et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the device of Harnden to include the printer for printing information related to the cut workpiece on a label as taught by Gaesser et al. for the advantage of allowing the labeling an un-labeling the cut workpiece easier.

Allowable Subject Matter

5. **Claims 1-14** are allowed.

Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

Claims 1-11 have been indicated for allowance because the prior art fails to teach the entire combination of a method for cutting material including the steps of marking any defects in the piece of material, automatically calculating a plan for optimal cutting of the piece of material to fulfill cut list requirements, executing the plan including automatically pushing the piece of material toward the saw, and cutting the piece of material according to the plan into one or more cut list parts, and automatically printing labels for the cut list parts, each label indicating information about the part.

Claims 12-14 have been indicated for allowance because the prior art fails to teach the entire combination of a method for cutting material including the steps of using the computer to automatically determine a cutting plan for optimal cutting of the piece of material to fulfill cut list requirements, and in which: (a) salvage pieces having a length less than S_{min} are cut to lengths of DB_{max} or less, and (b) defect pieces having a length less than D_{min} are cut to lengths of DB_{max} or less; except if adjacent salvage and defect pieces have a combined length greater than D_{min} then the adjacent pieces are not cut to DB_{max} or less regardless of their individual lengths, executing the plan

including automatically pushing the piece of material toward the saw, and cutting the piece of material according to the plan into one or more cut list parts, and automatically printing labels for the cut list parts and for salvage and defect pieces that are not cut to lengths of Dbmax or less.

Claim 16 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for controlling material processing including the computer is also programmed to print labels automatically for salvage pieces having lengths equal to or greater than a predetermined minimum.

Claim 17 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for controlling material processing including the computer is also programmed to print labels automatically for defect pieces having lengths equal to or greater than a predetermined minimum.

Claim 18 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for controlling material processing including the computer is also programmed to print labels automatically for adjacent salvage and defect pieces having a combined length equal to or greater than a predetermined minimum.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

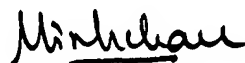
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patents to Blaine et al. (US # 5,444,635), Douglas (US # 5,663,882) and Rousseau (US # 6,422,111).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
November 12, 2004



Minh H Chau
Primary Examiner
Art Unit 2854